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10 Attorneys for Defendants Nutanix, Inc.,
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

14 IN RE NUTANIX, INC. SECURITIES) CASE NO.: 3:19-cv-01651-WHO
15 LITIGATION) CASE NO.: 3:21-cv-04080-WHO
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JOHN P. NORTON, ON BEHALF OF THE)
21 NORTON FAMILY LIVING TRUST UAD)
11/15/2002, and on behalf of all others similarly)
22 situated,)
23 Plaintiff,)
24 v.)
25 NUTANIX, INC., DHEERAJ PANDEY, and)
DUSTON M. WILLIAMS,)
26)
27 Defendants.)
28)

STIPULATION AND [PROPOSED] ORDER
CASE No. 3:19-cv-01651-WHO
CASE No. 3:21-cv-04080-WHO

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STIPULATION AND [PROPOSED] ORDER
CASE No. 3:19-cv-01651-WHO
CASE No. 3:21-cv-04080-WHO

1 Plaintiffs California Ironworkers Field Pension Trust, City of Miami Fire Fighters' and
2 Police Officers' Retirement Trust, and John P. Norton, on behalf of the Norton Family Living
3 Trust UAD 11/15/2002 (collectively, "Plaintiffs") and Defendants Nutanix, Inc., Dheeraj Pandey,
4 and Duston M. Williams (collectively, "Defendants," and together with Plaintiffs, the "Parties")
5 by and through their respective counsel, hereby stipulate as follows:

6 **WHEREAS**, on February 9, 2023, the Parties reached an agreement in principle to settle
7 this action following continued discussions with their retained mediator, retired United States
8 District Judge, the Hon. Layn R. Phillips;

9 **WHEREAS**, the Parties intend work in good faith to finalize the non-monetary terms of
10 settlement and Plaintiffs intend to file a motion to preliminarily approve the proposed settlement
11 (including all necessary related papers) as soon as reasonably practicable;

12 **WHEREAS**, the hearing on Defendants' Omnibus Motion to Dismiss is currently set for
13 February 15, 2022; and

14 **WHEREAS**, the Parties have met and conferred and agree, subject to the Court's approval,
15 that in light of the agreement in principle to settle this action, and to promote efficiency and
16 conserve judicial and party resources, the hearing on Defendants' Omnibus Motion to Dismiss
17 should be vacated or adjourned *sine die* and all case deadlines shall be vacated to allow the Parties
18 to finalize settlement.

19 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between
20 the Parties and their counsel, subject to the Court's approval, as follows:

21 1. The hearing on Defendants' Omnibus Motion to Dismiss, currently set for February
22 15, 2023, is vacated; and

23 2. The Parties shall provide a further update to the Court regarding the status of
24 settlement, including the anticipated schedule for Plaintiffs' motion for preliminary approval of
25 settlement, by March 9, 2023.

26 **IT IS SO STIPULATED.**

1 DATED: February 9, 2023

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

2 /s/ Nina F. Locker

3 NINA F. LOCKER

4 Nina F. Locker (SBN 123838)
5 Ignacio E. Salceda (SBN 164017)
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18 *Attorneys for Defendants Nutanix, Inc.,
19 Dheeraj Pandey, and Duston M. Williams*

20 DATED: February 9, 2023

21 ROBBINS GELLER RUDMAN & DOWD LLP

22 /s/ Stephen R. Astley

23 STEPHEN R. ASTLEY

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6 *Lead Counsel for Lead Plaintiff California*
7 *Ironworkers Field Pension Trust and Plaintiff City*
of Miami Fire Fighters' and Police Officers'
Retirement Trust

8
9 DATED: February 9, 2023

LEVI & KORSINSKY, LLP

10 /s/ Shannon L. Hopkins

11 SHANNON L. HOPKINS

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21 *Lead Counsel for Lead Plaintiff John P. Norton,*
on behalf of the Norton Family Living Trust UAD
11/15/2002, and Additional Counsel for Plaintiff
City of Miami Fire Fighters' and Police Officers'
Retirement Trust

1 [PROPOSED] ORDER
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Pursuant to the Parties' stipulation, **IT IS SO ORDERED.**

4 DATED: February 10, 2023 _____
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THE HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE

1 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(h)(3)**

2 I, Nina F. Locker, am the ECF User whose identification and password are being used to
3 file this Stipulation and [Proposed] Order Vacating Hearing On Motion To Dismiss Due To
4 Preliminary Settlement Agreement. In compliance with Local Rule 5-1(h)(3), I hereby attest that
5 all signatories to this document concur in its content and have authorized this filing.

6 WILSON SONSINI GOODRICH & ROSATI
7 Professional Corporation

8 */s/ Nina F. Locker*

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NINA F. LOCKER

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